FINDING OF NO SIGNIFICANT IMPACT

DAMAGE ASSESSMENT AND RESTORATION PLAN AND ENVIRONMENTAL ASSESSMENT for the 2004 Raphael Pass Oil Spill and ADDENDUM TO THE 2014 RESTORATION PLAN for the 2005 Goodrich Barge Grounding

OVERVIEW AND BACKGROUND

The United States Fish and Wildlife Service (USFWS) acting on behalf of the U.S. Department of the Interior (DOI); Louisiana Oil Spill Coordinator's Office (LOSCO); Louisiana Department of Energy and Natural Resources (LDENR); Louisiana Department of Environmental Quality (LDEQ); Louisiana Department of Wildlife and Fisheries (LDWF); and the Coastal Protection and Restoration Authority of Louisiana (CPRA), collectively known as the Natural Resource Trustees for the 2004 Raphael Pass Oil Spill; and the USFWS, the Natural Resource Trustee for the 2005 grounding of an oil storage barge owned and operated by the Goodrich Petroleum Company, LLC in the Delta National Wildlife Refuge, [collectively the Trustees]) completed a Final Damage Assessment and Restoration Plan and Environmental Assessment and Addendum to the 2014 Restoration Plan for the 2005 Goodrich Barge Grounding (DARP/EA and Addendum) that explains the decisions of the Trustees to provide approximately $685,569 to support restoration of deltaic marsh in the Lower Mississippi River delta. The Final DARP/EA and Addendum was prepared in accordance with the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) NEPA regulations, and all applicable agency NEPA regulations and guidance.

The CEQ Regulations direct agencies to prepare a Finding of No Significant Impact (FONSI) when an action not otherwise excluded will not have a significant impact on the human environment. 40 C.F.R. §§ 1500.4(b) & 1500.5(b). The CEQ regulations direct agencies to analyze the potentially affected environment and the degree of the effects of the proposed action to evaluate whether a significant impact on the environment is likely 40 C.F.R. § 1501.3(b). In doing so, agencies should consider the geographic extent of the affected area (i.e., national, regional or local), the resources located in the affected area (40 C.F.R. § 1501.3(b)(1)), and whether the project is considered minor or small-scale (NAO 216-6A CM, Appendix A-2). In considering the degree of effect on these resources, agencies should examine both short- and long-term effects (40 C.F.R. § 1501.3(b)(2)(i); NAO 216-6A CM Appendix A-2 - A-3), and the magnitude of the effect (e.g., negligible, minor, moderate, major). CEQ identifies specific criteria for consideration. 40 C.F.R. § 1501.3(b)(ii)-(iv). Each criterion is discussed below with respect to the proposed action and considered individually as well as in combination with the others.

In preparing this FONSI, we reviewed the Final DARP/EA and Addendum, which evaluates the affected area, the scale and geographic extent of the proposed action, and the degree of effects on those resources (including the duration of impact, and whether the impacts were adverse and/or beneficial and their magnitude). The Final DARP/EA and Addendum was prepared by the Trustees with DOI as the lead federal agency and is hereby incorporated by

reference. 40 C.F.R. § 1501.6(b).

LEAD AND COOPERATING AGENCIES

DOI, represented by USFWS, served as the lead agency responsible for NEPA compliance. As a federal agency, USFWS must make its own independent evaluation of the NEPA analysis integrated in the Final DARP/EA in support of its decision-making responsibilities (40 C.F.R. § 1506.3(a)).

SUMMARY OF PROPOSED ACTIONS AND ALTERNATIVES

The Final DARP/EA and Addendum discusses a reasonable range of alternatives and a natural recovery/no action alternative. The Preferred Alternative includes restoration activities the Trustees identify as their proposed action. The proposed action consists of enhancing approximately 350 acres of deltaic marsh by creating a 100' wide x ~350' long x 10' deep crevasse in the pass bank of Octave Pass and nearby terraces to mimic natural deltaic processes. The crevasse would mimic the natural processes that created the Mississippi River delta by allowing sediment rich water to flow out into shallow subtidal ponds, gradually filling them and creating mudflats and finally emergent marsh. The terracing would aid in slowing the flow and allowing sediments to drop out into the receiving pond. Terraces would be planted to provide stabilization and to jumpstart emergent vegetation in the area. The resulting vegetated flats would continue to spread as more marsh is naturally created. This process would also create large expanses of shallow subtidal and intertidal flats with associated submerged aquatic vegetation, which would serve as rich foraging areas for fish, crabs, wading birds, shorebirds, waterfowl, and other wildlife. Project features would improve habitat diversity, reduce erosion, protect surrounding natural marshes, increase submerged aquatic vegetation productivity, improve water quality via nutrient uptake by wetland plants, counteract impacts of relative sea level rise, and provide habitat for fish and wildlife. The Trustees determined that the Preferred Alternative would provide more efficient recovery of habitats and associated organisms compared to the other alternatives.

ANALYSIS SUMMARY

The Final DARP/EA analyzes potential environmental impacts associated with the projects that constitute the proposed action for restoration in the Mississippi River delta. The analysis is outlined in Section 4 of the DARP/EA and Addendum. The No- Action Alternative would not have direct beneficial effects or adverse impacts but would allow the degraded conditions of habitats in the Mississippi River delta to continue. The proposed action consists of habitat restoration projects that would provide benefits to natural resources injured by the release or threatened release of related hazardous substances and provide natural resource services similar to what would have been provided had those releases not occurred. The proposed action is expected to increase habitat quality and quantity and benefit natural resources within the Mississippi River delta. The proposed action is unlikely to have significant adverse impacts on the environment. Short-term, direct, minor, adverse impacts to identified natural resources may occur in the immediate vicinity of the project sites during implementation due to potential for construction noise and ground or sediment disturbance. No long-term, direct or indirect, adverse impacts are anticipated. The proposed action will not adversely affect any known historic or cultural resources listed in or eligible for listing in the National Register of Historic Places and will not cause loss or destruction of significant scientific, cultural, or historical

resources. The proposed action will not have a disproportionately high and adverse effect on the health or the environment of minority or low-income communities, compared to the impacts on other communities (EO 12898). The proposed action may also provide future environmental justice benefits, including protection of coastal marsh within the Delta National Wildlife Refuge for enhanced natural resources, enhanced recreational and subsistence fisheries resources, and improved water quality. Moreover, any enhanced resilience to climate change created by the projects would extend to the broader community, including populations with environmental justice concerns.

The proposed action is not known to be related to other actions within the Mississippi River delta that, when considered together, could result in synergistically significant impacts. Any future federal actions in these areas may have to undergo a similar NEPA evaluation and review process and consider the Trustees' project activities when addressing cumulative effects.

AGENCY COORDINATION

Additional federal laws may apply to the proposed action considered in the DARP/EA and Addendum. All federal, state and local laws will be complied with prior to project implementation. Select agency coordination includes:

- Endangered Species Act. The selected projects are not expected to adversely affect endangered or threatened species, their critical habitat, marine mammals, or other non-target species. Overall, the selected projects are expected to benefit fisheries and their habitats. ESA compliance requirements resulting from consultations with USFWS and NOAA, if any, will be completed for the projects prior to construction. Any resulting conservation recommendations and best management practices (BMPs) will be included in any applicable permit conditions. Potential impacts to soil, water, and biological resources will be minimized or mitigated through BMPs, permit conditions, and consultation requirements if required by other statutes.
- National Historic Preservation Act. Consultations will be completed with the Louisiana Office of Cultural Development, Division of Historic Preservation as directed by Section 106 of the National Historic Preservation Act as needed. If potential adverse impacts become known during project implementation, the Trustees will either conduct, or require the project implementer to conduct, appropriate compliance under the National Historic Preservation Act.
- Magnusson Stevens Act. The Trustees do not expect the proposed action to cause substantial damage to the ocean and coastal habitats and/or Essential Fish Habitat as defined under the Magnuson-Stevens Act. Any short-term and temporary localized impacts can be minimized by the use of BMPs during project implementation. The Trustees expect the proposed action will substantially benefit the habitats targeted for restoration and the species associated with those habitats.

If any further need arises to coordinate and consult with other regulatory authorities, additional coordination or consultation requirements would be addressed prior to project implementation. This Finding of No Significant Impact for the proposed action is issued subject to the completion of all outstanding compliance reviews under other federal laws. If the proposed action changes or information is brought to light as a result of completing such

reviews that is potentially relevant to the environmental evaluation relied on herein, that evaluation would be updated or supplemented as required by NEPA and a new determination made as to whether the proposed actions are likely to significantly affect the quality of the human environment.

DETERMINATION

Based on review and evaluation of the information contained in the Final DARP/EA and Amendment, I have determined that the proposed actions do not constitute a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102 (2)(c) of the National Environmental Policy Act of 1969. Accordingly, the preparation of an environmental impact statement on the proposed actions is not required at this time.

Acting THOMAS AUGSPURGER Digitally signed by THOMAS AUGSPURGER Date: 2024.12.31 11:25:12 -05'00'

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